

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4040 OF 2007

Dattatraya Ramchandra Sable .. Applicant

V/s

State of Maharashtra .. Respondent

Mrs.Jyoti Pawar i/b Mr.A.T. Gade for the applicant.

Mr.D.P. Adsule, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 19TH DECEMBER 2007

P.C. :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State. Perused the F.I.R. as also the statements recorded by the police.

2. The applicant seeks anticipatory bail under section 438 of the Cr.P.C. in connection with a crime registered against him under C.R. No.I-133/2007 by Murbad Police Station for the alleged offence punishable under sections 147, 148, 149, 452, 326, 324, 323, 427,

341, 504, 506 and 307 of the I.P.C.

3. In the F.I.R., it is alleged that on 19th November 2007, 18 persons assaulted the complainant at about 6.30 p.m. while he was sitting in his fruits shop. The applicant is alleged to be one of the said assailants. In the statement of Kashinath Ghude, it is alleged that some persons came in two different motor vehicles and assaulted him in front of his house. The present applicant is also named to be one of the assailants. It appears that two separate incidents have taken place, one at the fruits shop of the complainant and another in respect of assault on Kashinath Ghude in front of his house. The applicant is stated to be part of the team of assaults in both the incidents. Learned A.P.P. for the State submitted that no F.I.R. has been registered in respect of another incident of assault on Kashinath Ghude.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated on account of previous enmity. Though averment made by the applicant that the applicant's mother had lodged an N.C. complaint against the complainant is disputed, the fact remains that there appears to be enmity between them. The applicant is a government servant having a permanent

place of residence at the address mentioned in the application.

5. In the circumstances, in my view, there is no apprehension of the applicant being not available for trial in the event of his release on bail in view of the fact that the applicant has a permanent place of residence in the locality as also he is a government servant serving in the Gram Panchayat. In the circumstances, the applicant is entitled to bail. Hence, I pass the following order:

ORDER

In the event of the arrest of the applicant in connection with the crime bearing C.R. No.I-133/2007 registered with Murbad Police Station, the applicant shall be released on bail on executing personal bond of Rs.30,000/- together with two sureties of Rs.15,000/- each subject to the following conditions:

(a) The applicant shall cooperate with the investigation and attend the police station once a week on every Monday till the charge-sheet is filed.

(b) The applicant shall not in any manner tamper

with the prosecution evidence.

(c) This order shall come to an end 7 days after the charge-sheet is filed, whereafter the applicant shall be entitled to apply for regular bail before the appropriate court.

(D.G. KARNIK, J.)